

SHEFFIELD CITY COUNCIL

Licensing Sub-Committee

Meeting held 24 November 2016

PRESENT: Councillors Alan Law (Chair), Josie Paszek and Gail Smith

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1. APOLOGIES FOR ABSENCE

1.1 No apologies for absence were received. Councillor George Lindars-Hammond attended the meeting as a reserve Member, but was not required to stay.

2. EXCLUSION OF PUBLIC AND PRESS

2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

3.1 There were no declarations of interest.

4. LICENSING ACT 2003 - IRENKA EXPRESS, 170 MAIN ROAD, SHEFFIELD, S9 5HQ

4.1 The Chief Licensing Officer submitted a report to consider an application for a Premises Licence made under Section 17 of the Licensing Act 2003, in respect of the premises known as Irenka Express, 170 Main Road, Sheffield, S9 5HQ.

4.2 Present at the meeting were Masoom Hassan (Applicant), Patrick Robson (John Gaunt, Solicitors, for the Applicant), David Palmer and Neil Bates (Sheffield Trading Standards, Objectors), Clive Stephenson (Licensing Enforcement and Technical Officer), Marie-Claire Frankie (Solicitor to the Sub-Committee) and John Turner (Democratic Services).

4.3 Marie-Claire Frankie outlined the procedure which would be followed during the hearing.

4.4 Clive Stephenson presented the report to the Sub-Committee, and it was noted that representations had been received from Sheffield Trading Standards, and were attached at Appendix 'B' to the report.

4.5 David Palmer, on behalf of Sheffield Trading Standards, stated that he was objecting to the application on the grounds that the licensing objectives, namely the prevention of crime and disorder and the protection of children from harm, would not be met in this case. Mr Palmer stated that the proposed Designated Premises Supervisor (DPS) for the premises was Masoom Hassan, who was known to Trading Standards as a result of his involvement in an adjacent shop at 172 Main Road, and was also the sole Director for Irenka Express Limited, having signed the application on behalf of that Company. Mr Hassan had been convicted

at Sheffield Magistrates Court, on 2nd May 2013, for the possession for sale of smuggled, counterfeit and non-duty paid cigarettes and hand-rolled tobacco, which had been found on the premises at 172 Main Road. Mr Hassan had given his address, as DPS, as 170 Main Road, which shop unit was empty at the present time, and the flat above was inhabitable. On this basis, and as his recorded address for his Personal Licence, dated 15th September 2015, was 172 Main Road, Trading Standards did not believe that Mr Hassan had provided a true address. Mr Palmer stated that Mr Hassan had provided a contact email address as nadia@irenkafoods.co.uk, which, it was believed, referred to Nadiya Chzhen, who was currently the Premises Licence Holder (PLH) and DPS at 172 Main Road, trading as Stas. These premises were currently the subject of a Trading Standards criminal investigation and licence review application. Mr Palmer also made reference to the fact that another company, Irenka Foods Limited, had two Directors, Nadiya Chzhen and Herish Hussain Ezzat. Nadiya Chzhen was (and is currently) the PLH and DPS at Stas, 172 Main Road at the time of Mr Hassan's conviction in 2013, and she had previously received a written warning regarding the possession for sale of illicit hand-rolled tobacco, on 18th May 2012. Mr Ezzat had been cautioned for the sale of cigarettes to a child in 2009, and also convicted by Sheffield Magistrates Court, on 18th April 2012, for the possession for sale at 172 Main Road of smuggled, counterfeit and non-duty paid cigarettes and hand rolled tobacco. He was the PLH and DPS at the time of the offences. Taking into account Mr Hassan's conviction, his connections with the premises at 172 Main Road, his association with Nadiya Chzhen and Herish Hussain Ezzat, and the ongoing criminal investigation and licence review application, Trading Standards had serious concerns that the premises at 170 Main Road would be used for the sale and storage of smuggled goods. They were also concerned that if a Premises Licence was granted to a company which had associations and connections with those in control of the premises at 172 Main Road, the licensing objectives (the prevention of crime and disorder and the protection of children from harm) would not be met in this case. Mr Palmer also made reference to a test purchase operation, undertaken by Sheffield Trading Standards on 18th November 2016, which had resulted in illicit tobacco being found at 14 premises across the City.

- 4.6 In response to a question from the Solicitor to the Sub-Committee, it was confirmed that illicit cigarettes had been found on the premises at 172 Main Road, as part of the test purchase operation undertaken on 18th November 2016.
- 4.7 Patrick Robson stated that Mr Hassan was the sole Director of, and only shareholder in, Irenka Express Limited. The business comprised a grocery store, with the sale of alcohol being the only licensing requirement. He indicated that representations had been made by the Health Protection Service, Environmental Protection Service and South Yorkshire Police but, following agreement of conditions with such authorities, the representations had subsequently been withdrawn. In respect of Mr Hassan's conviction in 2013, due to the length of time elapsed, the conviction was now deemed as spent. Mr Robson stated that Mr Hassan had owned the lease in respect of the premises at 172 Main Road since 2012, but his interest in that property had ceased in March 2015. Whilst he was familiar, and friendly, with his neighbours, there was no business relationship between them. The reason for including Nadiya Chzhen's email address on the

application for the Premises Licence was simply due to the fact that his written English was not very good, and Ms Chzhen had helped him complete the application form, and had put her email address on the form. Mr Hassan also had an agreement with his neighbours to have his mail delivered to their property, and he would pick it up from there. Mr Hassan had not been in any form of trouble since his conviction in 2013.

- 4.8 In response to questions from Members of, and Solicitor to, the Sub-Committee, Mr Robson stated that Mr Hassan was not related to Nadiya Chzhen or Herish Hussain Ezzat, and confirmed that Mr Hassan was now living in the flat above 170 Main Road. Mr Hassan did sell alcohol at his previous premises at 172 Main Road, and his conviction in 2013 related only to the sale of illicit cigarettes and hand-rolled tobacco, and not alcohol. Mr Hassan was not able to provide a clear translation for the word 'Irenka', and confirmed that he had had no other involvement with Nadiya Chzhen, from a business point of view, since she had helped him complete the application form. Mr Hassan also stated that if he needed any help with the running of his business, he would contact a friend, and confirmed that he had asked Nadiya Chzhen to contact Trading Standards to question the nature of its objections to the application. Mr Hassan stated that for the last 20 months or so, he had been refitting the shop premises at 170 Main Road.
- 4.9 Patrick Robson summarised the case, and circulated a list of further, proposed conditions for consideration by the Sub-Committee.
- 4.10 Clive Stephenson reported on the options open to the Sub-Committee, as set out in the report.
- 4.11 RESOLVED: That the public and press and attendees involved in the hearing be excluded from the meeting before further discussion takes place on the grounds that, in view of the nature of the business to be transacted, if those persons were present, there would be a disclosure to them of exempt information as described in paragraph 5 of Schedule 12A to the Local Government Act 1972, as amended.
- 4.12 Marie-Claire Frankie reported orally, giving legal advice on various aspects of the application.
- 4.13 At this stage in the proceedings, the meeting was re-opened to the public and press and attendees.
- 4.14 RESOLVED: That the Sub-Committee agrees to grant a Premises Licence in respect of the premises known as Irenka Express, 170 Main Road, Sheffield, S9 5HQ, in the terms requested and subject to the additional conditions as follows:-
- (a) All alcohol and tobacco products will be purchased by the Designated Premises Supervisor from a bona fide wholesaler;
 - (b) All such purchases will be accompanied with official invoices, which will allow full traceability throughout the supply chain;

- (c) The invoices will be retained on the premises for a minimum of six months and will be provided on request to a Police Officer or authorised officer of the City Council;
- (d) The business will take all necessary steps to ensure that no illicit alcohol or tobacco products are kept on the premises, either for supply or personal consumption;
- (e) No alcohol or tobacco products will be purchased from unknown sources, such as itinerant traders 'cold calling' at the premises;
- (f) A clear notice will be displayed at the entrance to the shop, the wording of which will make clear that the business does not purchase illicit alcohol and tobacco products from criminal wholesalers;
- (g) A Refusals Log will be maintained on the premises, and completed when required; and
- (h) Written records regarding all staff training will be maintained on the premises for a period of six months.

(The full reasons for the Sub-Committee's decision will be included in the written Notice of Determination.)